

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

JOSEPH AMICO,

Defendant.

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**22-MJ-662-MJP**

**MOTION FOR TRAVEL  
EXPENSES**

**MOTION BY:**

Frank R. Passafiume, Assistant Federal  
Public Defender, Attorney for Joseph  
Amico.

**DATE, TIME & PLACE:**

Before the Honorable Elizabeth J. Wolford  
United States District Judge, U.S.  
Courthouse, 100 State Street, Rochester,  
New York 14614, **on the papers.**

**SUPPORTING PAPERS:**

Affirmation of Assistant Federal Public  
Defender Frank R. Passafiume, dated  
May 17, 2023.

**RELIEF REQUESTED:**

Authorization for travel and subsistence  
expenses pursuant to 18 U.S.C. § 4285 and 5  
U.S.C. § 5702(a); alternatively, transfer of  
the matter to the District of Nevada.

**DATED:**

May 17, 2023, Buffalo, New York.

Respectfully submitted,

**/s/Frank R. Passafiume**

Frank R. Passafiume  
Assistant Federal Public Defender  
Federal Public Defender's Office  
300 Pearl Street, Suite 200  
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(716) 551-3341; 551-3346 (fax)  
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*Attorney for Defendant Joseph Amico*

**TO:** Richard Resnick  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

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**22-MJ-662-MJP**

**AFFIRMATION IN SUPPORT OF  
MOTION FOR TRAVEL EXPENSES**

**FRANK R. PASSAFIUME, ESQ.**, affirms under penalty of perjury that:

1. I am an attorney with the Federal Public Defender's Office located at 300 Pearl Street, Suite 200, Buffalo, New York 14202, and I represent the defendant, Joseph Amico, in the instant matter.

2. The defendant made his initial appearance on a Rule 5(c)(3) proceeding in Nevada District Court on September 2, 2022. *See United States v. Joseph Amico*, 22-MJ-696-EJY, Dkt. No. 2 (D. Nev. 2022). He was released on a personal recognizance bond with conditions and ordered to appear in the Western District of New York on September 12, 2022. *Id.* The defendant subsequently appeared by Zoom videoconference for his initial appearance before this Court on September 12, 2022. The defendant thereafter returned to his residence in the District of Nevada and has remained there on pretrial supervision.

3. The matter is currently scheduled for a change of plea on May 22, 2023, in Rochester, New York.

4. The defendant was previously found to be indigent and qualified to be represented by the Federal Public Defender's Office. He does not have sufficient funds to cover travel expenses to and from the District of Nevada. Likewise, he does not have sufficient funds to cover subsistence expenses to and from the District of Nevada.

5. Therefore, the defendant is respectfully requesting that the Court authorize payment for travel expenses from the District of Nevada to the Western District of New York, and thereafter, back to the District of Nevada, for the change of plea on May 22, 2023. The defendant further requests the Court to authorize payment for subsistence expenses for such travel. These requests are made pursuant to 18 U.S.C. § 4285 and 5 U.S.C. § 5702(a).

6. Alternatively, the defendant recently authorized me to inquire whether it would be permissible for him to have his change of plea hearing occur in Nevada District Court. Rule 20(a) of the Federal Rules of Criminal Procedure allow for a prosecution to be transferred from the district where an information is pending, or from which a warrant on a complaint has been issued, to the district where the defendant is present if (1) the defendant states in writing a wish to plead guilty and to waive trial in the district where the information or complaint is pending, consents in writing to the court's disposing of the case in the transferee district, and files the statement in the transferee district; and (2) the U.S. Attorneys in both districts approve the transfer.

7. Through this Affirmation, the defendant is stating his wish to plead guilty in writing in the District of Nevada, waiving his right to trial in the Western District of New York, and consenting to the transfer of this case to the District of Nevada. The defendant herein is

charged in a one-count complaint on Docket 22-MJ-662 charging violations of 18 U.S.C. §§ 2261A(2)(A) and 2261A(2)(B) and is set to plead guilty to a one-count information charging the same.

8. Additionally, the defendant forwarded a medical document to your affiant yesterday describing an injury that requires surgery. Submitted separately to the Court and government under seal is a copy of the medical document. The defendant further advises that this injury will cause significant discomfort flying at high altitudes. Your affiant has requested additional medical documentation stating such from the defendant.

9. Should the matter not be transferred to Nevada District Court, a proposed Order for travel and subsistence expenses is attached hereto as "Exhibit A."

**WHEREFORE**, the defendant, Joseph Amico, respectfully requests that the relief sought herein be granted.

**DATED:** May 17, 2023  
Buffalo, New York

Respectfully submitted,

**/s/Frank R. Passafiume**

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